THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.6131 OF 2006

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DATED: 28-03-2006

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BETWEEN

B. Mallikarjun,

S/o. B. Nagabhushanam,

Occ: Private Employee,

R/o. H.No.1-6-1141/7/2/C/3/A,

Road No.2, Vidyanagar Colony,

Suryapet, Nalgonda District.

...PETITIONER

AND

The Suryapet Municipality

Rep. by its Commissioner,

Nalgonda District.

...RESPONDENT

ORDER:

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Petitioner seeks a Writ of Mandamus to declare the action of the respondent in dispossessing him from his plot admeasuring
242 sq. yards in S.No.187/A1, Suryapet Municipality as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner is the owner of a plot

admeasuring 242 sq. yards in Sy.No.187/A1, Suryapet Municipality having purchased the same vide registered sale deed dated 30.03.1998. He further submits that adjacent to the plot of the petitioner, there are plots belonging to Mr. R. Venkata Kumar and B. Shyam Prasad and when the respondent constructed a water tank by illegal dispossessing them from their plots, they filed suits in O.S.No.155 of 2004 and O.S.No.156 of 2004 before the Junior Civil Judge, Suryapet, seeking injunction restraining the respondent from interfering with their possession. He further submits that the said suits were compromised between the said two plot owners and the Suryapet Municipality, as the respondent agreed to pay the compensation of Rs.1,00,000/- to each of them. The learned counsel further submits that recently a month ago the respondent encroached into the property of the petitioner also and commenced construction of staircase to the water tank.

The petitioner seeks a similar direction from this Court to direct the respondent to pay compensation of Rs.1,00,000/- to him.

The petitioner has not filed any representation before the respondent and there is no material whatsoever in respect of the said allegations that the respondent has encroached into his land, therefore, I am not inclined to entertain this writ petition on the said ambiguous allegations made by the petitioner. However, if the respondent attempts to encroach into the land of the petitioner, it is open for the petitioner to file a suit as was filed by the other two adjacent plot owners.

For the aforesaid reasons, the writ petition is accordingly dismissed.

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V. ESWARAIAH, J

March 28, 2006

DSK